

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:10cv609-MOC-DCK**

<b>LYNN CARLOS,</b>	)	
	)	
	)	
<b>Plaintiff,</b>	)	
<b>Vs.</b>	)	<b>ORDER ADOPTING</b>
	)	<b>RECOMMENDATION</b>
<b>PRESBYTERIAN HOSPITAL et al.,</b>	)	<b>OF MAGISTRATE JUDGE</b>
	)	
	)	
<b>Defendants.</b>	)	
_____	)	

**THIS MATTER** is before the court on review of a Memorandum and Recommendation by the Honorable David C. Keesler, United States Magistrate Judge, recommending that the court grant Defendants’ motion to dismiss Plaintiff’s claims. Plaintiff has not objected to the Memorandum and Recommendation, and the time to do so has passed.

**FINDINGS AND CONCLUSIONS**

**I. Applicable Standard**

The Federal Magistrate Act provides that “a district court shall make a *de novo* determination of those portions of the report or specific proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); *Camby v. Davis*, 718 F.2d 198, 200 (4<sup>th</sup> Cir. 1983). However, “when objections to strictly legal

issues are raised and no factual issues are challenged, *de novo* review of the record may be dispensed with.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4<sup>th</sup> Cir. 1982). Similarly, *de novo* review is not required by the statute “when a party makes general or conclusory objections that do not direct the court to a specific error in the magistrate judge’s proposed findings and recommendations.” *Id.* Moreover, the statute does not on its face require any review at all of issues that are not the subject of an objection. *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *Camby*, 718 F.2d at 200. Nonetheless, a district judge is responsible for the final determination and outcome of the case.

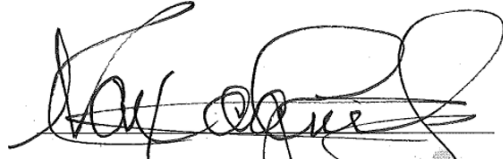
## **II. Discussion**

After a careful review of the magistrate judge’s recommendation on the motion to dismiss, I find that the magistrate judge correctly determined that dismissal is appropriate. Thus, the court will adopt the M&R of the magistrate judge as its own.

### **ORDER**

**IT IS, THEREFORE, ORDERED** that the Memorandum and Recommendation (#24) is **ADOPTED** in its entirety.

Signed: July 5, 2011



Max O. Cogburn Jr.  
United States District Judge

